GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

PERMIT NUMBER MTR000000

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE UNDER THE MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Section 75-5-101 *et seq.*, Montana Codes Annotated (MCA), Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, and ARM 17.30.1101 *et seq.*, applicants with an Authorization Letter for this *"General Permit for Storm Water Discharges Associated with Industrial Activity"* (hereafter called the "Permit") are permitted to discharge storm water resulting from industrial activity sites (excluding construction, mining, and oil and gas extraction activities) to surface waters in accordance with the conditions set forth in Parts I., II., III., IV., and V. of this Permit.

This Permit shall become effective October 1, 2006.

This Permit and the authorization to discharge shall expire at midnight, September 30, 2011.

FOR THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Bonnie Lovelace

Bonnie Lovelace, Chief
Water Protection Bureau
Permitting & Compliance Division

Issuance date: August 30, 2006

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PREAMBLE

This *General Permit for Storm Water Discharges Associated with Industrial Activity*, hereafter called "Permit," covers storm water discharges from various industrial facilities. The intent of the Permit is to minimize or eliminate waste discharge via storm water runoff from these industrial facilities. Montana law defines various types of waste, including sediment, metals, petroleum products, etc. This Permit is issued to ensure regulated industrial activities minimize the contact of facility storm water with potential pollutants.

Two main criteria determine whether an industrial facility is eligible for coverage under this Permit: the type of industry and the presence of a storm water discharge to surface waters from the facility. Industrial facilities whose Standard Industrial Classification (SIC) Code or Industrial Activity Type places them within the scope of this Permit and which generate a storm water discharge to surface waters shall:

1. Apply for coverage under this Permit.

2. Prepare a Storm Water Pollution Prevention Plan (SWPPP) as outlined in Part IV. of this Permit. The SWPPP will characterize the industrial activity site, storm water discharges, potential pollutants which may affect storm water quality, and Best Management Practices (BMPs) to reduce and/or eliminate potential pollutants entering storm water runoff and surface waters.

3. Monitor storm water discharge from specified industrial activities.

4. Implement BMPs and other provisions of the facility SWPPP.

5. Submit Discharge Monitoring Reports (DMRs) and an annual Compliance Evaluation Report (which includes an evaluation of the storm water quality test results) in order to assess facility storm water discharge quality and to verify BMP effectiveness.

A Permit application fee to cover the cost of reviewing and acting upon the application shall be submitted with the application. Also, the Permittee shall be required to pay an annual fee in order to cover the costs of administering the Storm Water Program's permitting activities.

In the event that a facility is able to demonstrate that it has eliminated its storm water discharge through the implementation of engineered storm water controls and/or other management practices, the Permittee may submit a request for termination of the Permit Authorization.

PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area

This Permit applies to all areas of the State of Montana, except for Indian Reservations.

B. Sources Covered Under This Permit

The Permit covers all new and existing "Storm water discharge associated with industrial activity", as defined in ARM 17.30.1102(29). Regulated industrial activity storm water discharges are primarily referenced in this state rule definition using SIC codes, as these are historically built into the respective federal regulations as well. The SIC code system is largely obsolete and has been replaced with the North American Industry Classification System (NAICS). Parties can correlate SIC codes with NAICS codes for their industrial facility or activity as necessary. References to obtain these are provided on the application form instructions. The Permit does not cover typical construction, mining, and oil and gas extraction activities, which are covered under separate General Permits. This General Permit also does not pertain to storm water discharges subject to Effluent Limitation Guidelines, which are covered under a separate MPDES Permit. However, ground disturbance activities which are inherently part of the development over time of the industrial activity may be included on a case-by-case basis as determined by the Department, and must comply with the requirements stated in Part I.C.5. of this Permit. Coverage or eligibility pertaining to this Permit is limited to storm water discharges from the industrial activities summarized in Attachment A of this Permit.

Pursuant to ARM 17.30.1116, discharges composed entirely of storm water are not regulated as discharges associated with industrial activity if there is no exposure of industrial materials and activities to rain, snow, snowmelt, and/or runoff, and the discharger satisfies the conditions of this Industrial No-Exposure Certification rule. Consequently, permit authorization for storm water discharges normally regulated under this Permit would not be necessary and owners/operators would submit an Industrial No Exposure Certification Form to the Department instead.

This Permit does not authorize discharges subject to federal effluent limitation guidelines as adopted by the Montana Board of Environmental Review in ARM Title 17, Chapter 30, Subchapter 12.

This Permit does not apply to Concentrated Animal Feeding Operations (CAFOs) which are subject to regulation under ARM 17.30.1330.

This Permit does not relieve the Permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgement, or decree.

C. Application Procedures

1. Application Due Dates. The owner (or operator if the owner does not operate the facility) of the facility shall submit an application form provided by the Department. For new industrial activities, the application shall be submitted to the Department at least thirty (30) days prior to the anticipated date of discharge. For existing industrial activity discharges covered by the previous General Permit, a new application shall be submitted at least thirty (30) days prior to the expiration date of the General Permit.

2. Application Form. The application form requires, at a minimum, the following information:

   a. Facility/Site Information.
   b. Facility Contact Person/Position.
   c. Existing or Pending Permits, Certifications, or Approvals (if any exist).
   d. Nature of Business or Activity.
   e. Standard Industrial Classification (SIC) Codes.
   f. Storm Water Outfall/Discharge Locations (latitudes and longitudes).
   g. USGS Topographic Map showing Facility and Receiving Surface Waters.
   h. Storm Water Quality Analytical Data (for new applications if such data exists).
   i. Description and certification pertaining to non-storm water discharges.
   j. Identification of Major Potential Pollutant Sources.
   k. Identification of Major Best Management Practices.
   l. Applicant (Owner/Operator) Information.
   m. Certification and Signature of Application.
   n. For industrial activities which have never received authorization under previously issued General Permits and are submitting a new application (not a renewal), areas with new construction-related disturbance of the ground surface for the construction and/or implementation of BMPs must be clearly identified including the location and extent of disturbance.
   o. For all industrial activities which are issued an initial new authorization under this General Permit and which have not been issued an authorization under the preceding *General Discharge Permit For Storm Water Associated with Industrial Activity*, the required Storm Water Pollution Prevention (SWPPP) must be submitted with the application form. SWPPP requirements are stated in Part IV.A. The SWPPP must include a detailed site map, as required under Part IV.A.2.a. which delineates much of the information provided on the application form.
   p. For all existing industrial activities which previously have been issued authorizations under the preceding *General Discharge Permit For Storm Water Associated with Industrial Activity*, a complete updated and revised SWPPP meeting the requirements of Part IV.A. must be submitted to the Department with the application for renewal of authorization under this

General Permit.

3. Application Submittal. Signed State application forms shall be submitted to:

Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901

Signatory requirements for the application may be found in Part V.K. of this Permit.

The submitted application package shall include the payment of the permit authorization application fee. For new applications, the application must also include the annual fee for the initial calendar year for which permit authorization is requested. Existing permit authorizations renewing permit coverage under this Permit will be invoiced for annual fees if not already paid.

4. Authorization to Discharge. Facilities covered under this Permit are authorized to discharge storm water in accordance with the Permit upon receipt of an Authorization Letter issued by the Department.

5. Ground Disturbance Activity, SWPPP Erosion and Sediment Control. For industrial activity whose development over time inherently involves total ground disturbance of sediment over one acre in area (i.e. landfill cell development and closure, reclamation activities, gravel pits associated with an industrial activity, management of stockpiled materials, etc.), authorization under this Permit can include such activity provided the SWPPP addresses such ground disturbances using appropriate erosion and sediment control BMPs. Such inclusions under this Permit authorization may eliminate the need for obtaining separate authorization under the Department's *General Permit for Storm Water Discharges Associated with Construction Activity* for these inherent ground disturbance activities. If ground disturbance activities are not an inherent part of the function of the industrial activity, such as for expansions of buildings, roadways, etc. not originally identified in the application, then separate authorization under the Department's *General Permit for Storm Water Discharges Associated with Construction Activity* would typically be necessary. If permittees are uncertain as to whether ground disturbance activities may be authorized under this Permit, the Department should be contacted for assistance on case-by-case determinations.

PART II. EFFLUENT LIMITATIONS

Effective immediately upon issuance of an authorization under this Permit and lasting through the expiration date, the following specific conditions pertaining to effluent limitations shall apply.

A. There shall be no discharge of process wastewater pollutants to surface waters.

B. A discharge of storm water associated with industrial activity may occur based on water generated only through rainfall precipitation and snowmelt.

C. No discharge of storm water associated with industrial activity shall cause or contribute to a violation of water quality standards.

D. Discharges of storm water containing pollutants associated with industrial activity covered under this General Permit will be controlled through the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Best Management Practices (BMPs) identified in the SWPPP must help eliminate or minimize the discharge of pollutants to surface waters.

E. New or increased storm water discharges associated with industrial activity on or after April 29, 1993 shall not cause degradation as described under ARM 17.30.715(3) and 75-5-301(5)(c), MCA.

PART III. MONITORING, REPORTING, AND RECORDS RETENTION REQUIREMENTS

A. STORM WATER DISCHARGE MONITORING

For those industrial activities identified in Part III.A.2., storm water discharge sampling, testing, and reporting shall be a standard requirement under this Permit. Standard Industrial Classification Codes (SIC) may be obtained from the 1987 Standard Industrial Classification Manual or from websites referenced on the application form instructions.

For those industrial activities not identified in Part III.A.2. of this Permit (not required to perform storm water discharge sampling, testing, and reporting), the Department reserves the right to require storm water sampling, testing, and reporting on a case-by-case basis. For those industrial activities not listed in Part III.A.2., the Permittee shall be subject to all monitoring and reporting requirements stated in this Permit, except sampling parameters and frequency that are established by the Department on a case-by-case basis. Factors which may trigger monitoring requirements could include, but are not limited to: atypical industrial and/or other facility activities, SWPPP implementation effectiveness, storm water quality issues, potential contamination issues, historical issues, compliance issues, and other water quality issues.

Additional monitoring parameters may be required for a facility by the Department on a site by site basis.

Storm water monitoring requirements shall initiate on the effective date of authorization under this Permit or as otherwise directed by the Department.

1. Storm/Sampling Event Characterization Requirements for All Industrial Activities Required to Perform Storm Water Discharge Sampling, Testing, and Reporting

   For those industrial activities required to perform sampling, testing, and reporting of storm water discharges under Part III.A.2. or as otherwise required by the Department, the following information shall be recorded and maintained at the permitted facility (refer to Part III.C.2.) for all storm water discharges which are sampled.

   a. Date, exact place, and time of sampling;

   b. Estimated duration (in hours) of the storm event(s) sampled;

   c. Total rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;

d. Name(s) of the individuals who performed the sampling or measurements; and

e. Analytical laboratory test result data and reports for storm water samples and/or records which minimally indicate:

i. The date(s) analyses were performed;

ii. The time analyses were initiated;

iii. The initials or name(s) of individual(s) who performed the analyses;

iv. References and written procedures, when available, for the analytical techniques or methods used; and

v. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

2. Specific Industrial Activity Monitoring Parameters

ITEM	INDUSTRIAL ACTIVITY TYPE	PARAMETER(S)
III.A.2.**a.**	**Petroleum Refining, Storage, and Fueling**: Petroleum Refining (SIC Code 2911); Petroleum Bulk Stations & Terminals (SIC Code 5171); and Railroad Transportation (SIC Code Major Group 40 – SIC Codes 4011 and 4013) with petroleum fueling/storage on site	Oil and grease (EPA Method 1664 – mg/L) Chemical oxygen demand (COD - mg/L) Total suspended solids (TSS - mg/L) Estimated Flow Rate (gpm)
III.A.2.**b.**	**Primary Metal Industries**: Facilities classified as SIC Code Major Group 33 (SIC Codes 3312, 3313, 3315, 3316, 3317, 3321, 3322, 3324, 3325, 3331, 3334, 3339, 3341, 3351, 3353, 3354, 3355, 3356, 3357, 3363, 3364, 3365, 3366, 3369, 3398, and 3399)	Oil and grease (visual) Chemical oxygen demand (COD - mg/L) Total suspended solids (TSS - mg/L) Total recoverable Arsenic (mg/L) Total recoverable Copper (mg/L) Total recoverable Lead (mg/L) Total recoverable Zinc (mg/L) Estimated Flow Rate (gpm)
III.A.2.**c.**	**Land Disposal Units**: Storm water discharges from any active or inactive landfill, land application site, or open dump that received any industrial wastes	Oil and grease (visual) Chemical oxygen demand (COD - mg/L) Total suspended solids (TSS - mg/L) Total recoverable Iron (mg/L) Nitrate plus nitrite nitrogen (mg/L) Estimated Flow Rate (gpm)
III.A.2.**d.**	**Wood Treatment (chlorophenolic or creosote)**: Storm water discharges for wood treatment, wood surface application, or storage of treated or surface protected wood at any wood preserving or wood surfacing facilities that currently use or have used chlorophenolic formulation or creosote formulation (SIC Code 2491)	Oil & grease (visual) Chemical oxygen demand (COD - mg/L) Total suspended solids (TSS - mg/L) Total Phenols (mg/L) Estimated Flow Rate (gpm)
III.A.2.**e.**	**Wood Treatment (arsenic or chromium preservatives)**: Storm water discharges for wood treatment or storage of treated wood at any wood preserving facilities that currently use inorganic preservatives containing arsenic or chromium (SIC Code 2491)	Oil & grease (visual) Chemical oxygen demand (COD - mg/L) Total suspended solids (TSS - mg/L) Total recoverable Arsenic (mg/L) Total recoverable Chromium (mg/L) Total recoverable Copper (mg/L) Estimated Flow Rate (gpm)
III.A.2.**f.**	**Coal Pile Runoff**: Storm water discharges from coal pile runoff	Oil and grease (visual)

ITEM	INDUSTRIAL ACTIVITY TYPE	PARAMETER(S)
		pH Total suspended solids (TSS - mg/L) Estimated Flow Rate (gpm)
III.A.2.**g.**	**Battery Reclaimers**: Storm water discharges from areas used for the storage of lead acid batteries, reclamation products, or waste products, and from reclamation (including material handling activities) areas at lead-acid battery reclamation facilities	Oil & grease (visual) Chemical oxygen demand (COD - mg/L) Total suspended solids (TSS - mg/L) Total recoverable Copper (mg/L) Total recoverable Lead (mg/L) Estimated Flow Rate (gpm)
III.A.2.**h.**	**Airports**: Storm water discharges from airports (SIC Code 4581) with over 50,000 flight operations per year (includes both takeoffs and landings)and which have storm water discharges from areas where aircraft or airport deicing (preventing the accumulation of or removing frost, snow, or ice) operations occur (including runways, taxiways, ramps, and dedicated deicing stations). The Permittee shall attempt to collect samples during or after storm events when deicing materials were used at the airport, as weather and temperature conditions allow.	Oil and grease (visual) Chemical oxygen demand (COD - mg/L) Total suspended solids (TSS - mg/L) Ammonia as N (mg/L) if urea is used as a deicing material Estimated Flow Rate (gpm)
III.A.2.**i.**.	**Animal Handling/ Meat Packing Facilities**: Storm water discharges from animal handling areas, manure management (or storage) areas, and production waste management (or storage) areas that are exposed to precipitation at meat packing plants (SIC Code 2011), poultry packing plants (SIC Code 2015), and facilities that manufacture animal and marine fats and oils (SIC Code 2077)	Oil and grease (visual) Chemical oxygen demand (COD - mg/L) Total suspended solids (TSS - mg/L) Nitrate plus nitrite nitrogen (mg/L) Estimated Flow Rate (gpm)

3. Monitoring Frequency

Sampling, testing, and reporting shall be conducted at least semi-annually (two times per year) for industries classified under Parts III.A.2.a. through III.A.2.i, except as provided by Parts III.B.2., Sampling Waiver, and III.B.3., Representative Discharge. It is recommended that samples not be collected from back-to-back storm events but that the sampled storm event represents runoff characteristic of typical site conditions.

For new authorizations issued under this Permit, the first required monitoring period shall be the first complete Discharge Monitoring Report period following the date of the Permit Authorization Letter (see Part III.B.1.a.).

Frequency may be re-evaluated by the Department after a minimum of three monitoring periods of representative sample data have been collected. The Department may suspend the sampling requirement if after any three monitoring periods (representative sampling events), a facility can demonstrate the following conditions:

a. BMP implementation is satisfactorily reducing and minimizing the potential discharge of pollutants in storm water.

b. The storm water sampling test results for the parameters tested for under Part III. of this Permit have not exceeded the Attachment B “June 2006 Monitoring Parameter Benchmark Values”.

c. Storm water discharges have not resulted in being unable to attain a Total Maximum Daily Load (TMDL) or Waste Load Allocation which has been developed and approved by the Department for the receiving surface waters.

d. The permitted storm water discharge(s) do not cause, or have a reasonable potential to cause or contribute to, a violation of applicable water quality standards.

e. There have been no violations of the conditions and requirements in this Permit.

f. There are no significant site characteristics, concerns, or problems (such as spills or releases) which could potentially allow pollutants to come into contact with storm water.

It is the responsibility of the Permittee to research and provide documentation proving that the aforementioned conditions have been met. This documentation shall be included with a written request to the Department for suspension of monitoring requirements.

4. Sample Type

For all discharges, sampling data shall be obtained by collecting a grab sample. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a sample can be taken during the first hour of the discharge, and the discharger shall submit attached to the Department Discharge Monitoring Report form a description of why a grab sample during the first thirty (30) minutes was impracticable.

A composite sample may be required by the Department on a site-by-site basis. If required, composite samples shall either be flow-weighted or time-weighted. Potential composite samples may be taken with a continuous sampler or as a combination of a minimum of three grab sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen (15) minutes.

5. Sampling and Test Procedures

Samples, analytical testing, and measurements taken for the purpose of monitoring under Part III of this Permit shall be conducted according to test procedures approved under 40 CFR, Part 136, unless other test procedures have been specified in this Permit or approved by the Department.

6. Penalties for Tampering

The Montana Water Quality Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device, method, or practice required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than $25,000 per day of violation, or imprisonment for not more than one year, or both.

7. Evaluation of Storm Water Quality Monitoring Test Results

On the completion of each sampling event and on receipt of the sampling test results by the Permittee, the Permittee shall evaluate each parameter test result by comparison with the Attachment B "June 2006 Monitoring Parameter Benchmark Values". If there is an exceedance of the benchmark value, the Permittee shall evaluate the source and reason of the exceedance and consider additional BMPs and/or other facility management measures which may need to be initiated to improve the quality of storm water discharges. These measures shall be implemented as necessary and updated in the facility SWPPP as required in Part IV.A.1.c. of this Permit. A summary of this evaluation of storm water quality data, any exceedances of the benchmark values, and additional BMPs and/or other measures which may be necessary shall be stated on the annual Compliance Evaluation Report form required to be submitted to the Department in Part IV.A.4 of this Permit.

B. REPORTING REQUIREMENTS

1. Discharge Monitoring Reports

a. Permittees which are required to conduct sampling pursuant to Parts III.A.1. and III.A.2. of this Permit shall submit monitoring results obtained during the previous six-month reporting period on a Discharge Monitoring Report (DMR) form(s), to be received by the Department no later than the 28th day of the month following the completed reporting period. The six-month semi-annual monitoring periods are from January 1 through June 30 and from July 1 through December 31. Consequently, the DMR forms are due on the 28th day of January and/or July following this respective monitoring period. For new authorizations issued under this Permit, the first required monitoring period for which a respective DMR form must be completed and submitted shall be the first complete six-month semi-annual monitoring period following the date of the original Permit Authorization Letter.

b. DMR forms are provided by the Department. The DMR forms with the required signature shall be completed and submitted for each required point source discharge sampling location (outfall) for each required monitoring period. The DMR forms shall have all pertinent items completed, and shall comply with the signatory requirements stated in Part V.K. of this Permit. If

sampling was not performed for any reason (see Part III.B.2., Sampling Waiver), the DMR form item shall be completed which provides the justification/description required under Part III.B.2.

c. An original copy of the completed DMR form(s), with the required signature page(s) for each form, and all other reports required herein shall be submitted to the Department address below:

Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901
(406) 444-3080

d. The DMR forms contain a box in the upper right corner that is marked "no discharge". This box should not be checked unless on-site controls for storm water runoff prohibited and resulted in "no discharge" of storm water. If no samples were collected for a justified reason, as provided for in the General Permit, then the signed and submitted DMR form must be accompanied by documentation describing why no samples could be collected. The permittee is required to make a concerted effort to collect storm water samples and the Department assumes this is typically achievable. DMR submissions indicating "no discharge" without the required documentation will result in a violation of the permit authorization.

2. Sampling Waiver

The Permittee is required to make a concerted and reasonable effort to collect storm water discharge samples. The Department typically expects that during the term of each monitoring period for the facility (usually six months), sufficient storm water discharge(s) will occur associated with various storm events such that the Permittee will be able to obtain the required storm water samples at the point source discharge(s). However, the Department acknowledges that sometimes sampling of storm water discharges during and/or after storm events may not always be possible.

Examples where discharge sampling may not be reasonably performed include:

- No discharge, such as when the facility has engineered storm water retention/infiltration systems, the infiltration of precipitation into the ground surface is relatively high (low runoff coefficient), the facility site's drainage area is relatively small, extended drought, and/or extended frozen conditions);
- A relatively short duration storm event occurring outside of hours the facility is normally staffed and automatic sampling is impractical;
- Adverse climatic conditions such as weather –flooding, high winds, hurricanes, tornadoes, electrical storms, etc.–that creates dangerous conditions for personnel; and

- Any other conditions which make the collection of a sample impractical.

During each respective six-month monitoring period, if the Permittee is unable to sample storm water discharge related to a storm event, then the completed DMR form item shall provide the required justification/description of why samples could not be collected. This DMR form item justification/description shall include specific documentation of pertinent storm events and conditions which precluded the required sampling of storm water discharges at the point source discharge(s).

3. Representative Discharge

When a facility has two or more point source discharges (outfalls) that, based on a consideration of features and activities within the area drained by the outfalls, the Permittee reasonably believes discharge substantially identical effluents, the Permittee may test the effluent of one such outfall and report that the storm water quality data of such outfall also applies to the substantially identical outfall(s). In addition, for each outfall that the Permittee believes is representative, the Permittee shall provide: an estimate of the size of the drainage area in square feet; an estimate of the runoff coefficient of the drainage area – low (up to 40%), medium ($\geq$40% to 65%), or high ($\geq$65%); and an estimate of the percentage of the total industrial activity drainage area on the site represented by the sampled outfall's industrial activity drainage area. The industrial activity drainage area pertains to those areas of the facility or site that actually discharge storm water from areas where the pertinent regulated industrial activity under this Permit is performed.

4. Twenty-four Hour Notice of Accelerated Erosion

If any measurable quantities of sediment leave the site because of the failure of the erosion control system, the sediment shall be cleaned up immediately –within 24 hours of discovery– and placed back on the site or properly disposed.

Measurable quantities of sediment are deposits of mud, dirt, sediment, or similar material on public or private streets, adjacent property or into the storm and surface water system by:

a. Direct deposit, dropping, discharge, or

b. Established by other evidence of accelerated erosion.

Under no conditions shall the sediment be cleaned up by flushing it into drainageways or surface waters. The Department shall be notified within one working day of the discovery of accelerated erosion.

5. Additional Notification

Facilities with at least one storm water discharge associated with industrial activity to

a municipal separate storm sewer system (also called MS4), in addition to filing copies of monitoring reports with the Department, shall submit to the operator of the municipal separate storm sewer system signed copies of the monitoring results obtained during the previous respective monitoring period.

6. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit (including monitoring reports or reports of compliance) shall, upon conviction, be punished by a fine of not more than $25,000 per day, or by imprisonment for not more than six months per violation, or both.

7. Notification of Facility Contact Changes

The Permittee shall notify the Department in writing of any change of the designated facility contact person/position, mailing address, and/or telephone number (as originally identified in the Permit application) within 15 days of this change.

8. Spill/Release Notification

The Permittee shall submit written notification to the Department's Storm Water Program (mailing address is stated in Part I.C.3. of this Permit) within two business days of the detection of any unregulated significant spill or release in any area(s) which could be exposed to storm water runoff. This notification shall provide: the name of the facility and the storm water discharge permit authorization number; a description of the time and duration of the spill/release; the specific location and contaminant fate of the spill/release; a description of the quantity and type of material spilled/released; measures being taken to investigate and/or remediate the spill/release; any known or potential impacts to storm water discharges due to the spill/release; and any BMPs to be implemented to minimize and/or prevent similar spills/releases in the future.

C. RECORDS RETENTION

1. Permit Retention Requirements

The Permittee shall retain a copy of this Permit, a copy of the Authorization Letter to discharge storm water, and a copy of the Storm Water Pollution Prevention Plan (SWPPP) at the facility site at all times during the active permit coverage period authorized under this Permit. If no permanent offices/buildings are located at the facility site, copies of these documents shall be retained at the office of the contact person identified in the Permit application and at the office of the primary individual responsible for the implementation of the SWPPP (identified in the SWPPP through Part IV.A.3.a.) and shall be brought to the site at all times with these identified

personnel. Should the identity of these responsible contacts/individuals change during the active Permit authorization period, the Permittee shall ensure measures are in place to transfer and familiarize replacement personnel with the requirements pertaining to these documents.

2. Required Period of Record Retention

The Permittee shall retain, for a minimum of three years, records of all storm water monitoring information (including Part III.A.1. of this Permit), all required reports and inspections, and all data used to complete the General Permit application required by Part I.C.

PART IV. SPECIAL CONDITIONS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed for each facility covered by this Permit. The purpose of the SWPPP is to identify sources of potential pollution to storm water discharges and to select Best Management Practices (BMPs) to reduce discharge of pollutants at the pollutant source and/or to remove pollutants contained in storm water runoff.

The SWPPP shall be developed and submitted with the application for authorization under this General Permit. For new applications, the SWPPP shall be implemented on the date the Authorization Letter under this General Permit is received. The organization of the SWPPP should be completed based on the Part IV.A. outline below. It is preferred that each section heading in the outline be included and addressed in the SWPPP in the same order as in Part IV.A. of this Permit. If a section is not applicable, a brief explanation of why it is not applicable shall be included. However, as SWPPPs are developed and implemented primarily for the use and benefit of the permittee, the Department will allow some flexibility in how the SWPPP is organized, but in any case, the SWPPP must address all criteria in the Part IV.A. outline below. If the permittee does elect to use a SWPPP format and outline different than that in this permit, then the permittee shall develop and submit an index that cross-references these Part IV.A. requirements and where each is addressed in the submitted SWPPP.

The SWPPP shall be prepared in accordance with good engineering practices. Any SWPPP which requires engineered structures, such as detention ponds or diversion structures, shall be prepared by a registered professional engineer or similarly qualified individual.

The Permittee shall be responsible for developing and implementing the provisions of the SWPPP. The Department may elect to review the submitted SWPPP and could notify the Permittee after review that the SWPPP does not meet one or more of the minimum requirements of Part IV.A. After such notification from the Department, the Permittee shall make changes to the SWPPP and submit to the Department a written certification stating the requested changes have been made. Unless otherwise provided by the Department, the Permittee shall have 30 days after such notification to make the required revisions to the SWPPP.

1. Administrative Requirements for the SWPPP

   The SWPPP shall:

   a. Be retained on site in accordance with Part III.C. of this Permit.

   b. Be signed in accordance with the signatory requirements in Part V.K. of

this Permit.

c. Be maintained and kept up-to-date to reflect current conditions and information.

2. Description of Potential Pollutant Sources

The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. SWPPPs shall identify all activities which may potentially be significant pollutant sources, including loading or unloading of dry bulk materials or liquids, outdoor storage of raw materials and/or intermediary products, outdoor process activities, dust or particulate-generating processes, illicit connections and/or management practices, and waste management practices.

The SWPPP shall include, at a minimum, the following items:

a. A site map which indicates the following for storm water drainage areas:
- Point source discharge(s), such as outfall(s);
- Each required point source discharge (outfall) sampling location with the formal number indicated on the map as designated on Discharge Monitoring Report forms;
- Natural and engineered (manmade) storm water drainage and management structures and features;
- A delineated outline of the drainage area of each storm water point source discharge/outfall;
- Delineated drainage patterns which clearly indicate the storm water runoff flow direction for the drainage area of each storm water point source discharge/outfall, such as using arrows to show which ways storm water will flow;
- Major permanent facility structures;
- The following activities where such activities are exposed to precipitation: processing and storage areas; access roads; railcars and tracks, the location of transfer of substance in bulk; major stationary equipment; and machinery;
- Paved and/or relatively impervious areas within the drainage area of each point source discharge/outfall;
- Each past or present area used for the outdoor treatment, storage, and/or disposal of significant materials (products and/or wastes);
- Each existing structural BMP to reduce pollutants in storm water runoff;
- Materials loading/unloading area(s);
- The following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; and liquid storage tanks;

- Each hazardous waste treatment, storage or disposal facility, including each area not required to have a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Facility Permit for accumulating hazardous waste under 40 CFR 262.34;
- Each well where liquids associated with the facility are injected underground including any storm water conveyances;
- Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (an evaluation of how the quality of the storm water running onto the facility site impacts the facility's storm water discharge may be included);
- Location where major spills or leaks identified in Part IV.A.2.d. of this Permit have occurred;
- Springs;
- Surface waters (including perennial water bodies, intermittent/seasonal water bodies, and ephemeral drainage channels) including all receiving surface waters identified in Part IV.A.2.g. of this Permit;
- A map scale; and
- A north arrow.

b. Estimate and define area(s) of relatively impervious surfaces (including paved areas and facility structural roofs) with respect to the total area drained by each storm water point source discharge (outfall).

c. A narrative description of significant materials (products and/or wastes) which in the past have been and/or are currently treated, stored, or disposed in a manner allowing exposure to storm water; the method of treatment, storage or disposal of these materials; and past and/or present materials management practices employed to minimize contact of these materials with storm water runoff.

d. A list of significant spills and leaks of hazardous substances which occurred at the facility up to three years prior to the effective date of this Permit. Such a list shall be updated when a significant spill or leak of hazardous substances occurs and shall include a description of the specific origin and location of the release, a description of the materials released, an estimate of the quantity of the release, and a description of any remediation or cleanup measures which were taken.

e. For each area of the plant which generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of storm water runoff flow and an estimate of the types of pollutants which could be present in the storm water.

f. A summary of existing storm water quality sampling test results characterizing historical pollutants in storm water discharges.

g. The name of the receiving surface water(s) for storm water discharges, including perennial waterbodies, intermittent waterbodies, ephemeral streams, and wetlands. This shall include a detailed narrative description of the storm water runoff flow pattern from the industrial activity site's storm water discharges into these receiving surface waters.

3. Storm Water Best Management Practices (BMPs)

Each facility shall develop a description of storm water BMPs appropriate for the facility and implement such BMPs. The appropriateness and priorities of BMPs in a SWPPP shall reflect the identified potential sources of pollutants to storm water at the facility.

The description of storm water management BMPs shall address the following minimum components, including a schedule for implementing such BMPs:

a. <u>Individual(s) Responsible for Pollution Prevention and Storm Water Management BMPs</u>

The SWPPP shall identify the individual(s) within the facility organization responsible for developing the SWPPP and assisting facility personnel in its implementation, maintenance, and revision. The SWPPP shall describe the title and role of the individual(s) identified, as well as their responsibilities. The pollution prevention portion of the facility's SWPPP shall address the following, at a minimum:

i. The identity of individual(s) responsible for the implementation of the SWPPP.

ii. Facility personnel training programs which inform personnel at all levels of responsibility of the components and goals of the SWPPP. Training shall address topics such as spill response procedures, and proper material management and handling practices. A schedule shall identify the frequency for such training.

iii. Preventative maintenance measures which include the inspection and maintenance of storm water management BMPs (cleaning oil/water separators, catch basins, etc.), as well as inspecting and testing facility equipment and systems to detect conditions which could cause breakdowns or failures resulting in potential discharges of pollutants to storm waters.

iv. Good housekeeping measures to maintain a clean, orderly facility.

Common potential problem areas to address would be waste management areas, storage areas, loading/unloading areas, and drums/tanks/containers. Measures could include a routine schedule for the managing/removal of waste materials, as well as routine inspections of these potential problem areas.

b. Risk Identification and Assessment/Material Inventory

The SWPPP shall include an inventory of the types of materials (products and wastes) handled, the location of material management activities, and the types of material management activities. Factors to consider are the human health or ecological risk of chemicals; the quantity of chemicals used, produced, and/or discharged; the history of any MPDES permit violations; the history of significant leaks and/or spills of hazardous substances; and the characteristics and uses of the receiving surface waters.

c. Spill Prevention and Response Procedures

Areas where potential spills could occur, and their accompanying drainage patterns and/or point source discharges, shall be clearly identified in the SWPPP. BMPs for spill prevention shall be developed to the extent possible. Procedures for cleaning up spills shall be identified in the SWPPP and be made available to appropriate facility personnel. The necessary equipment to implement a clean-up should be made available to facility personnel. Emergency spill/release contact and/or notification numbers shall be listed in the SWPPP including provisions to ensure compliance with Part III.B.8. of this Permit.

d. Storm Water Management

The SWPPP shall contain a description of, and an assessment of the appropriateness of, storm water BMPs other than source control of pollutants. This could include: run-on/runoff controls; diversion structures; flow attenuation by use of open vegetated swales, natural depressions, and other practices; appropriate inlet controls such as oil/water separators; snow management activities; ponds; infiltration devices; and, wet detention/retention devices including constructed wetlands. Where practicable, industrial materials and activities may be protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff. BMPs determined to be reasonable and appropriate shall be implemented and maintained.

e. Erosion and Sediment Control

The SWPPP shall identify areas which have a higher potential for soil

erosion due to topography, slope characteristics, facility activities, and/or other factors. BMPs to control erosion should be identified and implemented.

Note: Areas with little to no vegetative cover (0-25 percent on slopes greater than or equal to 15 percent generally have a high potential for soil erosion. Your county Natural Resource Conservation Service office may be able to provide assistance with determining areas with high erosion potentials. A published soil survey can also provide this information.

The SWPPP may include the use of sediment basins, berms, barriers, filter strips, covers, diversion structures, sediment control fences, straw bale dikes, seeding, sodding, and/or other control structures or BMPs. The nature of the fill material to be used, the existing soils located at the site, and the aforementioned erodibility (high, moderate, or slight) of such soils shall be provided.

For potential ground disturbance (construction activities) included under this Permit, please refer to Part I.C.5. of this Permit.

The SWPPP shall identify and locate the BMPs to be used during and after the ground disturbance project to control sediment discharges to surface waters. For the Sediment and Erosion Control section of the SWPPP, the permittee should refer to the SWPPP requirements associated with the Department's *General Permit for Storm Water Discharges Associated with Construction Activity*.

f. Visual Inspections

Qualified personnel shall be identified to inspect designated equipment and facility areas following each significant storm water runoff event. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the storm water drainage system. A tracking or follow-up procedure shall be used to ensure adequate response and corrective actions have been taken in response to the inspection. The Permittee shall maintain records of inspections.

g. Record Keeping and Internal Reporting Procedures

Incidents such as spills, leaks, other releases of potential pollutants, and/or other material/waste management problems, along with other information describing the quality and quantity of storm water discharges, shall be included in the records. Inspections and maintenance activities, such as cleaning oil and grit separators or catch basins, shall be documented and recorded.

h. Non-Storm Water Discharges

Non-storm water discharges are not authorized under this Permit with the exception of the following "allowable" non-storm water discharges: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined in ARM 17.30.1102(8)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water. If not already addressed in sufficient detail in the application or elsewhere in the SWPPP based on the above requirements, and if allowable non-storm water discharges exist at your facility, the SWPPP must address expected pollutant contributions to storm water runoff and respective BMPs to minimize or eliminate such pollutants.

4. Comprehensive Site Inspection and Compliance Evaluation Report

A site inspection shall be conducted annually by appropriate personnel as identified in the SWPPP in order to verify

a. the description of potential pollutant sources is accurate as required under Part IV.A.2.;
b. the site map has been updated or otherwise modified to reflect current conditions;
c. the BMPs to control potential pollutants in storm water discharges associated with industrial activity as identified in the SWPPP are being effectively implemented; and
d. whether any SWPPP revisions such as additional BMPs are necessary.

A Compliance Evaluation Report shall be submitted to the Department by January 28 of each year and shall pertain to the Comprehensive Site Inspection performed during the preceding calendar year. The Department has developed a standard form to be used for the Compliance Evaluation Report, including an attached signature page.

The Compliance Evaluation Report shall summarize the scope and results of the Comprehensive Site Inspection, the name(s) of personnel making the Comprehensive Site Inspection, the date(s) of the Comprehensive Site Inspection, and major observations relating to the implementation of the SWPPP. Major observations should include: the location(s) of potential discharges of pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of Comprehensive Site Inspection.

The Compliance Evaluation Report must identify any incidents of noncompliance. A tracking or follow-up procedure (including a schedule for implementation) shall be used to ensure adequate response and corrective actions have been taken in reply to the Comprehensive Site Inspection and/or noncompliances.

Where the Compliance Evaluation Report does not identify any incidents of noncompliance, the Report must contain a certification that the facility is in compliance with the SWPPP and this General Permit.

The Compliance Evaluation Report and any reports of follow-up actions must be signed in accordance with Part V.K. of this Permit. Records of the Comprehensive Site Inspection, the Compliance Evaluation Report, and any related follow-up actions shall be maintained by the Permittee.

B. Water Quality Standards

This General Permit does not authorize storm water discharges that the Department determines will cause, or have a reasonable potential to cause or contribute to, a violation of applicable water quality standards. If such is the case, the Department may notify an applicant or permitted discharger that MPDES permit coverage is necessary under an Individual Permit instead of under this General Permit. The Department will require authorizations under the General Permit to ensure the SWPPP addresses BMPs and measures to help ensure compliance with water quality standards as necessary. This may include additional monitoring requirements to the authorized discharger. More specifically, depending on the actual industrial activity storm water discharge and the receiving surface water(s), the permittee's SWPPP may need to include a section describing how the SWPPP will control discharges of pollutants of concern and ensure storm water discharges will not cause or contribute to instream exceedances of water quality standards.

C. Discharges to Water Quality Impaired Waters

1. Water Quality Controls for Discharges to Impaired Waterbodies

The permittee's SWPPP must include a section describing how the SWPPP will control discharges of pollutants of concern for which the receiving surface waters are listed as impaired waterbodies on the State's 303(d) list, and ensure storm water discharges will not cause or contribute to instream exceedances of water quality standards. This discussion must specifically identify measures and BMPs that will collectively control the discharges of pollutants of concern. Information on impaired waterbodies may be obtained through the Department website http://www.deq.mt.gov As of September 2006 the specific website link is: http://maps2.nris.state.mt.us/scripts/esrimap.dll?name=TMDL2004&Cmd=INST

2. Consistency with Total Maximum Daily Load (TMDL) Allocations

If a TMDL has been approved for any waterbody into which the permittee discharges storm water, and the TMDL considered and addressed MPDES-regulated storm water discharges, then the Department shall incorporate the Waste Load Allocation (WLA), as applicable, into the permittee's permit authorization under this Permit, as required by 75-5-703, MCA. The typical default WLA for industrial activity storm water discharges authorized under this Permit will be to comply with this permit including SWPPP development and implementation, unless otherwise notified by the Department.

D. Releases in Excess of Reportable Quantities

This Permit does not relieve the Permittee of the reporting requirements of 40 CFR, Part 117 and 40 CFR, Part 302. The discharge of hazardous substances, as defined in ARM 17.30.1304(27), in the storm water discharge(s) from a facility shall be minimized in accordance with the applicable SWPPP for the facility and, in no case during any 24-hour period shall the discharge(s) contain a hazardous substance equal to or in excess of reporting quantities.

PART V. STANDARD CONDITIONS

The following standard permit conditions apply to all facilities authorized to discharge under this Permit.

A. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity, which may result in permit noncompliance.

B. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall first apply for and obtain a new permit. The application form and fee must be submitted at least 30 days before the expiration date of this permit. The Department reserves the authority to administratively extend permit coverage in the event the General Permit is no longer effective, if the permittee has reapplied for permit coverage.

C. Need to Halt or Reduce Activity not a Defense

It may not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

F. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

G. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

H. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

I. Inspection and Entry

The permittee shall allow the Department, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

J. Monitoring and Records (See Part III of General Permit)

K. Signatory and Certification Requirements

All applications, reports, or information submitted to the Department must be signed and certified.

1. All permit applications shall be signed as follows:

a. For a corporation, by a responsible corporate officer. A responsible corporate officer means:

i. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes:

i. the chief executive officer of the agency; or

ii. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by permits, other information requested by the Department, must be signed by a person described in Part V.K.1. or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. the authorization is made in writing by a person described in Part V.K.1.;

b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and,

c. the written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part V.K.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.K.2. must be

submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts V.K.1. or V.K.2. shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.

M. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

N. Permit Transfers

This permit is not transferable to a new permittee. A new owner or operator of a facility must apply according to the standard application procedures 30 days prior to taking responsibility for the facility.

O. Monitoring Reports - (See Part III of General Permit)

P. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

Q. Twenty-Four Hour Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. This oral report must be made to the Water Protection Bureau at (406) 444-3080.

2. A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The following must be included as information which must be reported within 24 hours:

   a. any unanticipated bypass which exceeds any effluent limitation in the permit;

   b. any upset which exceeds any effluent limitation in the permit; and

   c. violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

4. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau.

5. Reports shall be submitted to the address in Part III.B.1.c. of this Permit.

R. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part IV. or Parts V.L., V.P., or V.Q. at the time monitoring reports are submitted. The reports must contain the information listed Part V.Q. above.

S. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

T. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. and 3. below.

2. Notice:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part V.Q. (Twenty-Four Hour Reporting).

3. Prohibition of bypass.

   a. Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass, unless:

      i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

      iii. The permittee submitted notices as required under Part V.T.2. above.

4. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part V.T.3.i.

U. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part V.U.2. below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. an upset occurred and that the permittee can identify the cause(s) of the

upset;

b. the permitted facility was at the time being properly operated;

c. the permittee submitted notice of the upset as required in Part V.Q.3.b. (24-hour notice); and

d. the permittee complied with any remedial measures required under Part V.D.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

V. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to a civil penalty not to exceed $25,000 per day or one year in prison, or both, for the first conviction, and $50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. Except as provided in permit conditions on Part V.T. (Bypass of Treatment Facilities), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

W. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $25,000 per violation, or by imprisonment for not more than six months per violation, or both.

X. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

Y. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Z. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards

   The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.

2. Wasteload Allocation

   A wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.

3. Water Quality Management Plan

   A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

AA. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may:

1. Impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 15-31-510(3), MCA, or

2. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section. Suspensions are limited to one year, after which the permit will be terminated.

BB. Notice of Termination

Where property ownership has changed, the operator of a facility has changed, the storm water discharge has been eliminated, or the facility is no longer in operation, the owner/operator of the facility may submit a Notice of Termination that is signed in accordance with Part V.K. of this Permit. Termination shall be sent to the following

address:

Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901

The Notice of Termination shall be completed on a form provided by the Department and shall include the following information.

1. The location of the site described as County, Township, Range, Section, and ¼ Section.

2. The name, address, and telephone number of the owner and the operator of the facility.

3. The MPDES authorization number for the storm water discharge(s) associated with industrial activity of the facility.

4. The reason for requesting termination of coverage under the storm water discharge permit for the site. If the reason specified is that the storm water discharge has been eliminated and/or the potential exposure of pertinent industrial activities to storm water has been eliminated, then the Permittee shall provide detailed explanation and/or documentation which demonstrates and confirms this determination.

CC. Definitions

1. The "**Act**" means the federal Clean Water Act.

2. "**Best Management Practices**" ("BMPs") means schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. "**Coal pile runoff**" means the runoff from or through any coal storage pile.

4. The "**Department**" means the Montana Department of Environmental Quality.

5. "**Flow-weighted composite sample**" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

6. "**Grab Sample**" for monitoring requirements is defined as a single "dip and take"

sample collected at a representative point in the discharge stream.

7. "**Landfill**" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

8. "**Land application unit**" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

9. "**Point source**" means a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

10. "**Process Wastewater**" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

11. The "**Regional Administrator**" is the administrator of the EPA Region with jurisdiction over federal water pollution control activities in the State of Montana.

12. "**Runoff coefficient**" means the fraction of total rainfall that will appear at the conveyance as runoff.

13. "**Severe property damage**" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

14. "**Significant materials**" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metal products; raw materials used for food processing or production; hazardous substances designated under Section 101 (14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

15. "**Significant spills**" includes, but is not limited to releases of oil, fuel, or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act or Section 102 of CERCLA.

16. "**Storm water**" means storm water runoff from precipitation, snowmelt runoff, and surface runoff and drainage.

17. "**Surface waters**" means any waters on the earth's surface, including but not limited to streams, lakes, ponds, and reservoirs; and irrigation and drainage systems. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water.

18. "**Time-weighted composite sample**" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

19. "**Waste pile**" means any non-containerized accumulation of solid, nonflowing waste that is used for treatment or storage.

ATTACHMENT A
INDUSTRIAL ACTIVITIES COVERED BY THIS PERMIT

SIC CODE(S)[1]	INDUSTRIAL ACTIVITY REPRESENTED
	Timber Products
2411	Log Storage and Handling (Wet deck storage areas only authorized if no chemical additives are used in the spray water or applied to the logs)
2421	General Sawmills and Planing Mills
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431 – 2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see *Furniture and Fixtures* for SIC Code 2434)
2441,2448, 2449	Wood Containers
2451, 2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified
	Paper and Allied Products
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652 - 2657	Paperboard Containers and Boxes
2671 - 2679	Converted Paper and Paperboard Products, Except Containers and Boxes
	Chemical and Allied Products
2812 - 2819	Industrial Inorganic Chemicals
2821 - 2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
2833 - 2836	Medicinal chemicals and botanical products; pharmaceutical preparations; in vitro and in vivo diagnostic substances; biological products, except diagnostic substances
2841 - 2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861 - 2869	Industrial Organic Chemicals
2873 - 2879	Agricultural Chemicals
2873	Facilities that Make Fertilizer Solely from Leather Scraps and Leather Dust
2891 - 2899	Miscellaneous Chemical Products
3952 (limited to list)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	Asphalt Paving and Roofing Materials and Lubricants
2951, 2952	Asphalt Paving and Roofing Materials
2992, 2999	Miscellaneous Products of Petroleum and Coal
	Petroleum Refining

SIC CODE(S)[1]	INDUSTRIAL ACTIVITY REPRESENTED
2911	Petroleum Refining
	Glass Clay, Cement, Concrete, and Gypsum Products
3211	Flat Glass
3221, 3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251 - 3259	Structural Clay Products
3261 - 3269	Pottery and Related Products
3271 - 3275	Concrete, Gypsum and Plaster Products
3281	Cut Stone and Stone Products
3291 - 3299	Abrasive, Asbestos and Miscellaneous Nonmetallic Mineral Products
	Primary Metals
3312 - 3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321 - 3325	Iron and Steel Foundries
3331 - 3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351 - 3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363 - 3369	Nonferrous Foundries (Castings)
3398, 3399	Miscellaneous Primary Metal Products
	Hazardous Waste Treatment, Storage, or Disposal Facilities
SIC Code Not Applicable[2]	Hazardous Waste Treatment Storage or Disposal
	Landfills and Land Application Sites
SIC Code Not Applicable[2]	Landfills, Land Application Sites, and Open Dumps
	Automobile Salvage Yards
5015	Automobile Salvage Yards
	Scrap Recycling Facilities
5093	Scrap Recycling Facilities
	Steam Electric Generating Facilities
SIC Code Not Applicable[2]	Steam Electric Generating Facilities
	Land Transportation and Warehousing
4011, 4013	Railroad Transportation
4111 - 4173	Local and Highway Passenger Transportation
4212 - 4231	Motor Freight Transportation and Warehousing
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals
	Water Transportation
4412 - 4499	Water Transportation
	Ship and Boat Building or Repairing Yards
3731, 3732	Ship and Boat Building or Repairing Yards
	Air Transportation
4512 - 4581	Air Transportation Facilities
	Treatment Works
SIC Code Not Applicable[2]	Treatment Works

SIC CODE(S)[1]	INDUSTRIAL ACTIVITY REPRESENTED
	Food and Kindred Products
2011 – 2015	Meat Products
2021 – 2026	Dairy Products
2032 - 2038	Canned, Frozen and Preserved Fruits, Vegetables, and Food Specialties
2041 – 2048	Grain Mill Products
2051 – 2053	Bakery Products
2061 – 2068	Sugar and Confectionery Products
2074 – 2079	Fats and Oils
2082 – 2087	Beverages
2091 – 2099	Miscellaneous Food Preparations and Kindred Products
2111 – 2141	Tobacco Products
	Textile Mills, Apparel, and Other Fabric Product Manufacturing, Leather and Leather Products
2211 – 2299	Textile Mill Products
2311 – 2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials
3131 – 3199	Leather and Leather Products, except Leather Tanning and Finishing
	Furniture and Fixtures
2434	Wood Kitchen Cabinets
2511 - 2599	Furniture and Fixtures
	Printing and Publishing
2711 - 2796	Printing, Publishing, and Allied Industries
	Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
3081 - 3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942 – 3949	Dolls, Toys, Games and Sporting and Athletic Goods
3951 - 3955 (except 3952)	Pens, Pencils, and Other Artists' Materials (see *Chemical and Allied Products* for SIC Code 3952)
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991 - 3999	Miscellaneous Manufacturing Industries
	Fabricated Metal Products, Jewelry, Silverware, and Plated Ware
3411 - 3499	Fabricated Metal Products, Except Machinery and Transportation Equipment
3911 - 3915	Jewelry, Silverware, and Plated Ware
	Transportation Equipment, Industrial or Commercial Machinery

SIC CODE(S)[1]	INDUSTRIAL ACTIVITY REPRESENTED
3511 - 3599 (except 3571 – 3579)	Industrial and Commercial Machinery (see *Electronic, Electrical, Photographic, and Optical Goods* for SIC Codes 3571 – 3579)
3711 - 3799 (except 3731, 3732)	Transportation Equipment (see *Ship and Boat Building or Repairing Yards* for SIC Codes 3731 and 3732)
	Electronic, Electrical, Photographic, and Optical Goods
3571 – 3579	Computer and Office Equipment
3612 - 3699	Electronic, Electrical Equipment and Components, except Computer Equipment
3812	Measuring, Analyzing and Controlling Instrument, Photographic and Optical Goods
3821 - 3829	Laboratory Apparatus and Analytical, Optical, Measuring, and Controlling Instruments

[1] A complete list of Standard Industrial Classification (SIC) Codes (and conversions from the newer North American Industry Classification System (NAICS)) can be obtained from the Internet at http://www.census.gov/epcd/www/naics.html or in paper form from the document entitled "Standard Industrial Classification Manual", Office of Management and Budget, 1987. SIC Code listings may also be found at http://www.osha.gov/pls/imis/sicsearch.html

[2]Under the regulatory definition for “storm water discharge associated with industrial activity” found in ARM 17.30.1102(29), the definition provides a narrative description for this industrial activity type, and this description does not specifically reference an SIC Code.

ATTACHMENT B
MONITORING PARAMETER BENCHMARK VALUES

DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITTING AND COMPLIANCE DIVISION
WATER PROTECTION BUREAU
June 2006

The Department of Environmental Quality's Water Protection Bureau typically uses the U.S. Environmental Protection Agency's (EPA) monitoring parameter benchmark values in the evaluation of storm water quality and the effectiveness of BMPs utilized by Permittees. Having parameter concentrations at or below these benchmark values does not relieve the Permittee from compliance with the Montana Water Quality Standards or nondegradation criteria.

The "benchmarks" are the pollutant concentrations above which EPA and/or Department determined represents a level of concern. The level of concern is a concentration at which a storm water discharge could potentially impair, or contribute to impairing water quality or affect human health from ingestion of water or fish. The benchmarks are also viewed as a level, that if below, a facility represents little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility's SWPPP measures are successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or adopted as such.

These values are levels which EPA and/or DEQ has used to assess storm water discharge and necessary monitoring from any given facility to insure that the facility has been successful in implementing a SWPPP. As such these levels represent a target concentration for a facility to achieve through implementation of SWPPP measures at the facility. The following Table lists the parameter benchmark values and the sources used for the benchmarks.

PARAMETER BENCHMARK VALUES

Parameter Name	Benchmark Level
Biochemical Oxygen Demand (5 Day)	30 mg/L
Chemical Oxygen Demand	120 mg/L
Total Suspended Solids	100 mg/L
Oil and Grease	10 mg/L
Nitrate + Nitrite Nitrogen	0.68 mg/L
Total Phosphorus	2.0 mg/L
Turbidity	50 NTU
pH	6.0-9.0 s.u.
Aluminum, Total (pH 6.5-9)	0.75 mg/L
Ammonia	19 mg/L
Antimony, Total	0.64 mg/L
Parameter Name	**Benchmark Level**
Arsenic, Total	0.15 mg/L
Beryllium, Total	0.13 mg/L

Cadmium, Total*	0.0021 mg/L
Chromium, Total*	1.8 mg/L
Copper, Total*	0.014 mg/L
Cyanide	0.022 mg/L
Iron, Total	1.0 mg/L
Lead, Total*	0.082 mg/L
Magnesium, Total	0.064 mg/L
Mercury, Total	0.0014 mg/L
Nickel, Total*	.47 mg/L
Phenols, Total	0.016 mg/L
Selenium, Total	0.005 mg/L
Silver, Total*	0.0038 mg/L
Zinc, Total*	0.12 mg/L

* These pollutants are dependent on water hardness. The benchmark value listed is based on a hardness of 100 mg/L.

The source of this Table (with the exception of Oil & Grease) is the EPA's Proposed *2006 NPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity*. The Oil & Grease benchmark is a retained benchmark parameter used in prior EPA and Department General Permits. The Oil & Grease benchmark value of 10 mg/L is actually the receiving water standard but is used here for storm water quality purposes.